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Docket No.: 5059-0104PUS1  
(Patent)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application of:

Aurelio ROMEO

Application No.: 10/588,375

Confirmation No.: 8454

Filed: August 02, 2006

Art Unit: 1794

For: CONCENTRATED TOMATO PRODUCTS

Examiner: E. Gwartney

REQUEST FOR REFUND

MS 16  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

May 12, 2011

Sir:

I. REFUND REQUEST

This is a request for a refund with respect to the charge to Deposit Account No. 02-2448 shown on the statement for the month of May 2011 for the above-identified

application       patent  
 A copy of the monthly statement is enclosed.

II. FEES CHARGED FOR WHICH REFUND REQUESTED

	AMOUNT OF REFUND REQUESTED
<input type="checkbox"/> filing fee	
<input type="checkbox"/> search fee	
<input type="checkbox"/> examination fee	
<input type="checkbox"/> surcharge for filing the basic filing fee or oath/declaration on a date later than the filing date of the application (37 C.F.R. § 1.16(e))	
<input checked="" type="checkbox"/> extension of term	
<input type="checkbox"/> first month	
<input type="checkbox"/> second month	
<input checked="" type="checkbox"/> third month	555.00
<input type="checkbox"/> fourth month	
<input type="checkbox"/> fifth month	
<input type="checkbox"/> excess claims	
<input type="checkbox"/> issue fee	
<input type="checkbox"/> petition fee	
<input type="checkbox"/> patent maintenance fee	
<input type="checkbox"/> first maintenance fee	
<input type="checkbox"/> second maintenance fee	
<input type="checkbox"/> third maintenance fee	
<input type="checkbox"/> patent maintenance fee surcharge	
<input type="checkbox"/> Other	
<input type="checkbox"/>	
<input type="checkbox"/>	
<input type="checkbox"/>	
<b>TOTAL REFUND REQUESTED</b>	<b>\$555.00</b>

III. EXPLANATION OF WHY CONTESTED CHARGE IS IN ERROR

Applicant has been entitled to small entity status from the original filing of the application on August 2, 2006. The large entity three-month extension fee was inadvertently paid on 5-11-11.

IV. REFUND OF 50% OF FEES

Applicant has been entitled to small entity status since the original filing of the application on August 2, 2006. The large entity three-month extension fee of \$1110 was accidentally paid on May 11, 2011.

V. MANNER OF REFUND

It is respectfully requested that the excess fee of \$555 be credited to Deposit Account No. 02-2448.

VI. REMARKS

Pursuant to 37 C.F.R. § 1.28(a), applicant hereby requests a refund of 50% of the Three-Month Extension Fee paid on May 11, 2011.

The present application qualifies for the reduced fees as implemented by the U.S. Patent and Trademark Office on October 1, 1982, and further amended on January 20, 1983 and September 8, 2000.

Favorable action on the present Request is respectfully requested.

Dated: May 12, 2011

Respectfully submitted,

By Raymond C. Stewart  
Raymond C. Stewart  
Registration No.: 21,066  
BIRCH, STEWART, KOLASCH & BIRCH, LLP  
8110 Gatchouse Road, Suite 100 East  
P.O. Box 747  
Falls Church, VA 22040-0747  
703-205-8000

Attachment: USPTO Deposit Account for May 2011

Under the paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)</b>		Docket Number (Optional)																								
<b>FY 2009</b> (Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).)		5059-0104PUS1																								
Application Number 10/588,375		Filed August 02, 2006																								
For CONCENTRATED TOMATO PRODUCTS																										
Art Unit 1794		Examiner E. Gwartney																								
This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application.																										
The requested extension and fee are as follows (check time period desired and enter the appropriate fee below):																										
<table> <thead> <tr> <th></th> <th style="text-align: center;">Fee</th> <th style="text-align: center;">Small Entity Fee</th> <th></th> </tr> </thead> <tbody> <tr> <td><input type="checkbox"/> One month (37 CFR 1.17(a)(1))</td> <td style="text-align: center;">\$130</td> <td style="text-align: center;">\$65</td> <td>\$ _____</td> </tr> <tr> <td><input type="checkbox"/> Two months (37 CFR 1.17(a)(2))</td> <td style="text-align: center;">\$490</td> <td style="text-align: center;">\$245</td> <td>\$ _____</td> </tr> <tr> <td><input checked="" type="checkbox"/> Three months (37 CFR 1.17(a)(3))</td> <td style="text-align: center;">\$1110</td> <td style="text-align: center;">\$555</td> <td>\$ 1,110.00</td> </tr> <tr> <td><input type="checkbox"/> Four months (37 CFR 1.17(a)(4))</td> <td style="text-align: center;">\$1730</td> <td style="text-align: center;">\$865</td> <td>\$ _____</td> </tr> <tr> <td><input type="checkbox"/> Five months (37 CFR 1.17(a)(5))</td> <td style="text-align: center;">\$2350</td> <td style="text-align: center;">\$1,175</td> <td>05/10/2011 EHAILU \$0000028 022448</td> </tr> </tbody> </table>				Fee	Small Entity Fee		<input type="checkbox"/> One month (37 CFR 1.17(a)(1))	\$130	\$65	\$ _____	<input type="checkbox"/> Two months (37 CFR 1.17(a)(2))	\$490	\$245	\$ _____	<input checked="" type="checkbox"/> Three months (37 CFR 1.17(a)(3))	\$1110	\$555	\$ 1,110.00	<input type="checkbox"/> Four months (37 CFR 1.17(a)(4))	\$1730	\$865	\$ _____	<input type="checkbox"/> Five months (37 CFR 1.17(a)(5))	\$2350	\$1,175	05/10/2011 EHAILU \$0000028 022448
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<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. <input type="checkbox"/> A check in the amount of the fee is enclosed. <input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached. <input type="checkbox"/> The Director has already been authorized to charge fees in this application to a Deposit Account. <input checked="" type="checkbox"/> The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number <u>02-2448</u> .																										
<b>WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</b>																										
I am the <input type="checkbox"/> applicant/inventor. <input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed (Form PTO/SB/96). <input checked="" type="checkbox"/> attorney or agent of record. Registration Number <u>21,066</u> <input type="checkbox"/> attorney or agent under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____																										

<i>R. C. Stewart</i>	May 11, 2011
Signature	Date

Raymond C. Stewart

Typed or printed name

703-205-8000  
05/11/2011 EHAILU  
05/11/2011 INTFSW \$00004480 022448  
01 FC:1253 1110.00 CR

10588375

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

 Total of \_\_\_\_\_ forms are submitted.

This collection of information is required by 37 CFR 1.136(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.